

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RHONDA WOODS,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-19-0140-BMJ
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

Plaintiff filed a complaint seeking judicial review of the Social Security Administration's denial of her application for social security benefits. The matter was referred to Magistrate Judge Bernard M. Jones pursuant to General Order 16-4. Defendant has filed a motion to dismiss the complaint as untimely. Because both parties attached evidence to the motion to dismiss pleadings, Judge Jones has issued a Report and Recommendation recommending that the motion be treated as one for summary judgment and that the motion be denied. Both parties have failed to object to the Report thereby waiving their right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Being in substantial agreement with the Report, the court **ADOPTS** the Report and Recommendation [Doc. # 11]. Defendant's motion, treated as one for summary judgment, is **DENIED**.

IT IS SO ORDERED.

Dated this 8th day of July, 2019.



JOE HEATON
UNITED STATES DISTRICT JUDGE